Second Federal Savings and Loan *and* United Retail Workers, Local 881, Chartered by United Food and Commercial Workers International Union, AFL-CIO, CLC, Petitioner. Case 13-RC-16010

February 25, 1983

DECISION ON REVIEW AND ORDER

BY MEMBERS JENKINS, ZIMMERMAN, AND HUNTER

On August 18, 1982, the Regional Director for Region 13 issued a Decision and Direction of Election in the above-entitled proceeding in which he found appropriate the Petitioner's requested unit consisting of the Employer's main office, rejecting the Employer's contention that the appropriate unit should also include the three branch offices. Thereafter, in accordance with Section 102.67 of the National Labor Relations Board Rules and Regulations, Series 8, as amended, the Employer filed a timely request for review of the Regional Director's decision, together with a supporting brief, alleging that the Regional Director made erroneous findings of fact and departed from precedent in finding appropriate a unit limited to the Employer's main office.

On September 20, 1982, the National Labor Relations Board by telegraphic order granted the request for review and stayed the election pending decision on review. Thereafter, the Employer filed a brief on review.

Pursuant to the provisions of Section 3(b) of the National Labor Relations Act, as amended, the National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

The Board has reviewed the entire record in this case and makes the following findings:

The Employer has been in business since 1882 and is a savings and loan association with its main office located at the intersection of 26th Street and Pulaski Road in Chicago, Illinois. In 1965, it opened a branch office in Morton Grove, Illinois, about 20 miles from the Chicago office. Branch offices were later opened in North Riverside, Illinois, which is 7 miles from the Chicago office, and in Fox Lake, Illinois, which is 45 miles from the Chicago office. There are approximately 45 employees in the main office, 3 at Morton Grove, 2 at North Riverside, and 8 at Fox Lake.

The Petitioner filed a petition for an election in a unit of all full-time and regular part-time employees at the Chicago facility, but indicated at the hearing that it would represent employees in any unit found appropriate by the Board. The Employer contended that the branch offices were integrated with the main office to such an extent that the petitioned-for unit did not constitute an appropriate unit, and that the presumptive appropriateness of the single-location unit had been rebutted. In finding that the presumption had not been rebutted and that the Chicago office was an appropriate unit, the Regional Director found that the Chicago office had a stable core of employees who constituted a homogeneous, identifiable group which possessed its own distinct community of interest and was "separated both geographically and functionally" in its day-to-day activities from the branch office employees. The Regional Director's findings are not supported by the record and we do not agree with his unit determination.

The record indicates and the Regional Director found that virtually all significant decisions affecting the Employer's business, personnel, policies, and affairs are made by its president, John Sierocinski. As found by the Regional Director, Sierocinski is solely responsible for determining all wages, salaries, promotions, and wage increases, and for the hiring of new employees, their initial wages, and whether or not they should be on salary or paid hourly. Sierocinski himself notifies new employees of their starting rates and old employees of raises; employment applications do not show them. Wage amounts are communicated directly to the paymaster who works for an outside accounting firm and are not known by anyone else who works for the Employer, including the personnel director.

The branches do not have managers.[1] The only persons, other than Sierocinski, who share any management responsibilities and participate in the formulation of the association's policies are Vice President Mark Doyle, Nick Parisi, and John Heinen, and Corporate Secretary Dolores Pekala. Doyle supervises the Employer's savings operations. Heinen is in charge of the loan department and Parisi is in charge of the association's bookkeeping department and computer operations. Pekala maintains corporate records and takes action on loan applications. She also functions as the Employer's personnel director. Her responsibilities as personnel director consist largely of implementing the decisions and directives of Sierocinski. These four individuals all work out of the Chicago office and the parties stipulated that they are supervisors as defined in the Act.

All branch office personnel matters are handled exclusively at the Chicago office. All hiring is done at the Chicago office by Sierocinski, although

[1] Vice President Charles Kemf is the highest ranking officer working at the branches. The parties stipulated that he is not a manager or a supervisor.

Pekala occasionally conducts interviews. Branch office personnel can do no more than the ministerial act of accepting job applications. As noted previously, all benefits are determined by Sierocinski and all questions with respect thereto are directed to Pekala at the Chicago office. Pekala schedules vacations and arranges for replacements for employees at the branches who are ill or otherwise absent from work. An employee who wants to leave work early is required to phone her so that she can send a replacement if necessary. No one in any of the branches has any authority to discipline or discharge any other employees or to evaluate other branch employees or to make recommendations with respect to their performance.

The payroll for all employees, including those at the branches, is prepared at the Chicago office, and pay envelopes, prepared by the paymaster, are messengered from there to the branches.

The record establishes that the hours of operation of the branch offices are identical to those of the Chicago office and the operations of all four offices are almost totally integrated. All four offices are linked by the same computer and the branch offices are, in that sense, merely additional teller stations of the Chicago office. Thus, customers can make deposits, withdrawals, loan payments, etc., at any of the four offices, regardless of where their accounts were initially opened or where they usually transact their business.

Virtually every aspect of the branch offices' operations are controlled by main office personnel. Parisi is responsible for supervising the work of the branch office tellers. He periodically makes surprise inventories of their cash drawers and checks reports which reflect each instance when a teller's cash is reported to be more or less than it is supposed to be and he reviews all unusual transactions from all tellers. When changes are made with respect to computer operations, the same changes are made at each office and Parisi conducts meetings at each of the offices to direct the employees with respect to the changes.

All loan department employees work at the Chicago office, under Heinen's supervision, and the terms at which mortgages will be offered are determined there. Branch offices provide customers with a standardized application form, but all nonroutine questions with respect to the manner in which the form should be completed are directed to the Chicago office. Appraisals of property to be mortgaged are ordered from the Chicago office and approvals or disapprovals of all loans are made there and all closings are done there. Both the insurance and the collection departments are in the Chicago office.

Branch office bookkeeping is done at the Chicago office and the entire bookkeeping department works in the Chicago office. Employees at each of the branches telephone figures to the Chicago office daily.

The branch offices are in constant communication with the Chicago office and all problems of a nonroutine nature are regularly referred to that office. To facilitate such communications, each of the branches is equipped with telecopying equipment so that documents presented by branch customers can be relayed immediately to the Chicago office. Frequently, branch customers are requested to telephone their problems to the Chicago office.

The record reveals that several employees who now regularly work at the branches were previously employed at the Chicago office. Furthermore, the record shows that employees from the Chicago office fill in for branch employees on a temporary basis and vice versa.

On the record as a whole, and particularly the facts that the Employer's personnel policies and employee benefits are uniform and centrally administered, that evaluations are done at the main office, that the Employer's operation is highly integrated and centralized, that any time a branch office needs backup help or replacements the main office makes such arrangements, and that the branch offices do not have managers so that all employees are commonly supervised out of the main office, we find that the employees at the Chicago office do not have a community of interest sufficiently distinct and separate from the employees in the branch offices so as to warrant the establishment of a separate unit as found by the Regional Director.[2] In addition, since the record clearly establishes that no one in the branches has any supervisory authority, we find that the branch office employees whose status was placed in issue at the hearing are not supervisors or managerial employees and should be included in the unit. We therefore find the following employees of the Employer constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:[3]

> All full-time and regular part-time employees employed by the Employer at its facility at 26th Street and Pulaski Road in Chicago, Illinois, and its facilities in Morton Grove, North

[2] In reaching a contrary conclusion, the Regional Director failed to consider the significance of the absence of supervision at the branches. It is this factor, i.e., the lack of branch office autonomy, which distinguishes this case from those relied on by the Regional Director.

[3] As previously noted, the Petitioner indicated at the hearing its willingness to represent a broader unit if found appropriate. Therefore, as the unit found aproprlate is broader than that originally requested by the Petitioner, the Regional Director shall determine whether the Petitioner's showing of interest is sufficient before proceeding with the election.

Riverside, and Fox Lake, Illinois; but excluding professional employees, managerial employees, guards and supervisors as defined in the Act.

Accordingly, we shall remand the case to the Regional Director in order that he may conduct an election pursuant to his Decision and Direction of Election, as modified herein, except that the eligibility payroll period therefor shall be that ending immediately before the date of this Decision.[4]

ORDER

It is hereby ordered that this case be, and it hereby is, remanded to the Regional Director.

[4] [*Excelsior* footnote omitted from publication.]